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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,082	12/21/2001	Chung-Chih Wang		6827

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EXAMINER

SONG, SARAH U

ART UNIT

PAPER NUMBER

2874

DATE MAILED: 08/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/032,082	WANG ET AL.	
	Examiner	Art Unit	
	Sarah Song	2874	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

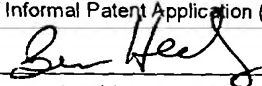
Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ | 6) <input type="checkbox"/> Other:  |

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Taiwan on November 16, 2001. It is noted, however, that applicant has not filed a certified copy of the 90219857 application as required by 35 U.S.C. 119(b).

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "491" has been used to designate both end wall and platform. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet **within the range of 50 to 150 words**. **It is important that the abstract not exceed 150 words in length** since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

4. The disclosure is objected to because of the following informalities: in Paragraph [0008], line 2, change "comprises" to -comprising-.

Appropriate correction is required.

Claim Objections

5. Claims 1, 13 and 20 are objected to because of the following informalities: in claim 1 (on page 11, second line from the bottom), change "bores primary" to -primary bores-; in claim 13,

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line 2 of the claim, change "having" to -has—and "though" to -through-; and in claim 20, line 3 of the claim, change "in on" to -in a—or -on a-. Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-3, 5, 9-11, 13, 14, 16 and 18 rejected under 35 U.S.C. 102(e) as being anticipated by Shi et al. (U.S. Patent Application Publication 2002/0085827). Shi et al. discloses a variable optic attenuator comprising: a chassis 204 defining a channel extending in a first direction; an attenuating device movably received in the channel, the attenuating device comprising a filter 110 having a density varying from a low density region to a high density region in a filter moving direction that is substantially parallel to the first direction, and a carrier (lead screw nut) 302 to which the filter 110 is attached; a driving unit comprising an electric stepping motor 116 mechanically coupled to the attenuating device for reciprocally moving the filter 110 in the filter moving direction; a mount 202 attached to the chassis, the mount forming first and second primary bores (through which collimators 106 and 114 pass) extending parallel to the first direction and located on opposite sides of the channel, and a passage (recess between reflectors 108 and 112) extending across the channel in second direction perpendicular to the first direction and intersecting the first and second primary bores, the mount forming first and second flat surfaces at the intersection of the passage with the first and second primary bores, the

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surfaces being 45 degree inclined with respect to the first direction and perpendicular to each other, first and second reflectors (mirrors) 108 and 112 being attached to the first and second flat surfaces of the mount; wherein the filter 110 is located in the passage and thus between the reflectors, the movement of the filter by the driving unit bring different regions of the filter to the passage; and wherein the first and second primary bores are adapted to receive and retain ends of input optic fiber 102 and output optic fiber 104, an optic signal forming a U-shaped optic path between the input optic fiber, the first reflector the filter, the second reflector and the output optic fiber. See Figure 2 and 3.

8. Regarding claim 3, 5 and 14, the coupling between the motor and the carrier 116 and the carrier 302 comprises a threaded shaft or guide rail 304 rotated by the motor and an inner threading or guide groove (inherent) formed in the carrier for slidingly and receivingly engaging a guide rail and also a threading engagement being formed between the threaded shaft and the threading of the carrier (see Paragraph [0027]).

9. Regarding claim 13, the optic module has a wall to which the motor is attached and a through hole being defined in the wall for extension of the threaded shaft of the motor (see Figure 2).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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11. Claims 6, 8, 15, 17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shi et al. Regarding claims 6 and 15, Shi et al. discloses a single platform (base of chassis) but does not specifically disclose plural platforms on opposite sides of the channel for supporting the mount. However, it would have been an obvious matter of design choice to provide platforms, since applicant has not disclosed that the platforms solve any stated problem or is for any particular purpose and it appears that the invention would perform equally well with two platforms or more.

12. Regarding claims 8 and 19, Shi discloses the reflectors 108 and 112 to be attached to the flat surfaces of the mount, but does not specifically disclose the reflectors to be attached by adhesives. Adhesives are well known in the art for securely attaching optical elements to structural supports. It would have been obvious to one having ordinary skill in the art to attach the reflectors with an adhesive to provide a low cost means of securing the reflectors to the mount.

13. Regarding claim 17, Shi et al. discloses recesses aligned with each other and respectively located on opposite sides of the channel to provide an unobstructed optical path, but does not specifically disclose first and second secondary bores defined in the mount, aligned with each other, and respectively located on opposite sides of the channel. However, it would have been an obvious matter of design choice to provide bores instead of recesses, since applicant has not disclosed that the bores solve any stated problem or is for any particular purpose and it appears that the invention would perform equally well with first and second secondary bores to provide an unobstructed optical path.


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14. Claims 4, 7, 12 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shi et al. in view of Yamamura (U.S. Patent 3,631,372). Shi et al., discusses above, additionally discloses a potentiometer 118 and wiper 308 attached to the carrier for indicating the position of the filter. Shi et al. further discloses that the potentiometer and wiper are equivalent to an electrical resistor and act as a linear variable resistor. Shi et al. does not disclose the specifics of a variable resistor. Yamamura discloses a variable resistor having a conductive slider member (wiper) 11 attached to a movable member 10. The conductive slider 11 is a spring arm physically engaging the variable resistor 12 to generate a feedback signal. Therefore, because these two position indicators were art-recognized equivalents at the time the invention was made, one of ordinary skill in the art would have found it obvious to substitute the variable resistor of Yamamura for the potentiometer of Shi et al.

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Tamulevich discloses a VOA comprising a ND filter and a variable resistor.

16. Any inquiry concerning the merits of this communication should be directed to Examiner Sarah Song at telephone number 703-306-5799. Any inquiry of a general or clerical nature, or relating to the status of this application or proceeding should be directed to the receptionist at telephone number 703-308-0956 or to the technical support staff supervisor at telephone number 703-308-3072.


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Ben Healy